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UNITED STATES MISSION TO THE UNITED NATIONS

Memorandum of Conversation

SUBJECT: Non-Proliferation

September 27, 1966

PARTICIPANTS: U.S.S.R.

United States

Ambassador Roshchin
Mr. L. Mendelevich
Mr. Timerbayev
Mr. Antiasov

Ambassador Foster
Mr. G. Bunn
Mr. S. De Palma
Mr. L. Meeker
Mr. C. Muromcew (Interpreter)

COPIES TO:

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ACDA - Mr. Foster

L - Mr. Meeker

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E.O. 12356, Sec. 3.4

NIJ 43-119

By CG, NARA, Date 1-23-96

Ambassador Foster opened the meeting by referring to the pleasant and profitable dinner last Saturday, September 24, and to the statements made there. Secretary Rusk was presently in Washington and would probably soon meet with his Soviet colleague. The question now was how to begin the work.

Ambassador Roshchin replied that the basic position was clearly stated at dinner and he now expected a U.S. response to Minister Gromyko's views.

Amb. Foster felt that alternatives one and three met Minister Gromyko's views on the issue of direct or indirect transfer through military alliances and groups of states, and also on the question of control. The U.S. side was puzzled why the above failed to meet the problem demonstrated by Mr. Gromyko using tea cups and ashtray.

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Amb. Roshchin replied by quoting Minister Martin's (Canada) statement to the General Assembly made on September 23 on non-proliferation and control (APV-1413, pp. 43-45). He felt that the Canadian definition was closer to Soviet views than the U.S. position. The problem was how to prevent the transfers of nuclear weapons and explosives directly or indirectly by nuclear states to military alliances or groups of states. A formula should be found to settle this issue. He referred to the Soviet suggestion, alternative two discussed on Saturday. (TAB A)

Amb. Foster recalled that this problem had been mentioned during the talks last Saturday when the desire was expressed to find the "heart of the matter."

The Soviet side then asked for a definition of the word "transfer." Amb. Foster replied that he had already discussed the interpretation of our atomic energy act as precluding the transfer of control and ownership of our nuclear arms.

Amb. Roshchin felt that the U.S. formulation did not reflect the ideas expressed by Gromyko on Saturday night. Although under the U.S. formulation nuclear arms and explosives could not be transferred directly or indirectly through an alliance to a non-nuclear country, they could be transferred to an alliance, thereby making members co-owners, co-participants and co-administrators of such weapons. Minister Gromyko's statement, on the other hand, would prevent such collective control.

Amb. Foster explained at length that the U.S. cannot transfer the control of nuclear arms to anybody, either individually or collectively because of U.S. laws.

Amb. Roshchin argued that although individual transfer may be prohibited, a transfer to military alliances was still possible and allowed collective ownership, use and responsibility leading to proliferation.

Amb. Foster replied that no transfer can take place, and even in the case of war only the President could decide to use U.S. nuclear arms. The best proof of non-transfer was the U.S. record of past 20 years during which no nuclear arms were transferred to NATO or France. Only the UK had qualified because of joint development work.

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Amb. Roshchin stated that it was not a question of past history, philosophy or the current state of affairs but only a question of finding a formula to prevent proliferation. He continued to argue that the U.S. formula permitted proliferation.

Amb. Foster emphatically disagreed and pointed out that transfer was forbidden by U.S. legislation.

In reply Amb. Roshchin suggested incorporating such a statement in the formula. Amb. Foster then suggested the wording "not to transfer to any recipient", which appeared in the third alternative discussed on Saturday. (TAB B) The Soviet side rejected it as too vague and not enough. Amb. Foster went on to say that according to his impression gained on Saturday, the Soviet side was directing its efforts against the FRG.

Amb. Roshchin admitted that this was so, politically, if not juridically.

Amb. Foster replied that such a political approach was impossible. Mr. Mendelevich remarked that the understanding of the issue was the same but the formulation was different.

Amb. Foster said he had the impression both sides understood the matter in the same way, but the Soviets seemed to be looking for a treaty which would embody a flamboyant and explicit anti-FRG formulation. This was politically impossible and wholly unrealistic since it was necessary to secure the FRG's adherence to the treaty if we are to succeed in our mutual aim.

Amb. Foster offered a revised formulation, some of the language of which came from Gromyko's discussion of Saturday night. (TAB C)

The Soviet side insisted that the new language prohibiting transfer "by virtue of membership" was no different than prohibiting transfer "through". Amb. Foster then suggested including the words "through or by virtue of ..." to make clear that "by virtue of" included something more than "through".

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The Soviet side failed to appreciate this difference.

Amb. Roshchin did not see how the U.S. formula would prevent transfer to NATO and kept arguing that nuclear arms transferred to NATO would make the FRG co-owner and co-administrator of nuclear arms. The Soviet side, he explained, was concerned that collective ownership would lead to proliferation.

Amb. Foster presented several examples showing why the U.S. proposal would not lead to proliferation of any kind, but the Soviet side remained unmoved. In response to Amb. Roshchin's question about the meaning of the word "transfer", Amb. Foster said that in our atomic energy legislation it precluded transfer of the physical object, of ownership or physical control.

Mr. Meeker summarized the three points which the Soviets saw as leading to proliferation:

- (1) direct transfer to a state;
- (2) indirect transfer to a state through a military alliance or group of states; and
- (3) transfer to an alliance or group of states.

Mr. Meeker and Amb. Foster said all three would be precluded by the formulation which we had put forward today. Amb. Foster explained that under U.S. legislation this was precluded. Top Administration spokesmen had said we had no intention of seeking an amendment to this legislation. Amb. Roshchin asked how they could be sure and Mendelevich said domestic legislation could be changed unilaterally.

Mr. Meeker suggested a text prohibiting indirect transfer by incorporating the words "in its capacity as a member of a military alliance or group of states". The Soviet reaction was that this was the same as "through" or "by virtue of".

Amb. Roshchin asked the U.S. delegation to try to find a mutually acceptable formula and quoted President's speech of July 5, and felt that in the light of Min. Gromyko's speech both sides thought alike. He said their main preoccupation is to prevent not just proliferation through or by virtue of membership in an alliance or group of states (in which the alliance or group would serve as agent for dissemination)

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but also to the alliance or group of states (as a result of which participants would be able to participate collectively in the ownership, control and use of nuclear weapons). He stressed that the main Soviet preoccupation now was to prevent this collective form of dissemination.

Amb. Foster repeated that the President had instructed his negotiators to find a solution and stressed that the problem was that of controlling the spread of nuclear arms to Germany, India, Japan, etc. He also hoped to be able to transmit to the Secretary of State a new proposal, and called on the Soviet side not to try to break up the NATO alliance.

The U.S. and the Soviet sides promised to think some more about their respective positions and agreed to meet in the near future.

On leaving the meeting, Timerbayev said to Mr. Bunn "Try individually or collectively."

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TAB A

September 24, 1966

Alternative 2ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives or control over such weapons or explosives directly, or indirectly, to any non-nuclear-weapon State, military alliance, or group of states; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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September 24, 1966

Alternative 3

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosives or control over such weapons or explosives directly, or indirectly through a military alliance or group of states; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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TAB C

September 26, 1966

ARTICLE I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer nuclear weapons or other nuclear explosives or control over such weapons or explosives to any non-nuclear-weapon State directly, or indirectly by virtue of its membership in a military alliance or group of States; and not to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosives, or control over such weapons or explosives.

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